

LEAGUE OF CONSERVATION VOTERS *et*)
al.,)
))
Plaintiffs,)
))
v.) No. 3:17-cv-00101-SLG
))
DONALD J. TRUMP *et al.*,)
))
Defendants,)
))
AMERICAN PETROLEUM INSTITUTE and)
STATE OF ALASKA,)
))
Intervenor-Defendants.)
)

Plaintiffs, Federal Defendants, and Intervenor-Defendants hereby jointly respond to the Court's order directing the parties to file a proposed schedule for summary judgment briefing, Dkt. 45 at 29. Counsel for the parties have conferred via telephone and email.

- **May 12, 2018:** Federal Defendants file an answer.
- **June 8, 2018:** Plaintiffs file a motion for summary judgment.

- **July 18, 2018:** Federal Defendants file a response to Plaintiffs' motion for summary judgment, including or deemed a cross-motion for summary judgment.
- **August 2, 2018:** Intervenor-Defendants file responses to Plaintiffs' motion for summary judgment, including or deemed cross-motions for summary judgment.
- **September 14, 2018:** Plaintiffs file a reply in support of summary judgment.

The parties have discussed additional amendments to the Court's Order re Joint Schedule Proposal, Dkt. 35. They have not reached agreement as to these matters.

Defendants' Position:

- **October 5, 2018:** Federal Defendants file a reply to Plaintiffs.
- **October 12, 2018:** Intervenor-Defendants file replies to Plaintiffs.

Federal Defendants and Intervenor-Defendants contend that additional reply briefs are appropriate and that Local Rule 16.3 is not applicable because this case is not an administrative agency appeal.

Plaintiffs' Position: Plaintiffs' view is that the number and order of briefs on summary judgment was appropriately settled by the Court's Order re Joint Schedule Proposal, Dkt. 35, in keeping with the proposal of all parties and Local

JOINT SCHEDULE PROPOSAL

League of Conservation Voters et al. v. Trump et al.,

No. 3:17-cv-00101-SLG

2

Rule 16.3(c), governing similar proceedings. Both that order and that rule treat a filing by Defendants in response to Plaintiffs' motion for summary judgment as itself a cross-motion for summary judgment. And both allow for a reply only by Plaintiffs. Accordingly, Plaintiffs oppose Defendants' and Intervenor-Defendants' suggestion that the filing of a cross-motion is good grounds for an additional round of reply briefing beyond that allowed by the Court's prior order.

Respectfully submitted this 2nd day of April, 2018.

s/ Erik Grafe

Erik Grafe (Alaska Bar No. 0804010)
EARTHJUSTICE
441 W. 5th Avenue, Suite 301
Anchorage, AK 99501
T: 907.792.7102 / F: 907.277.1390
E: egrafe@earthjustice.org

Eric P. Jorgensen (Alaska Bar No. 8904010)
EARTHJUSTICE
325 Fourth Street
Juneau, AK 99801
T: 907.586.2751 / F: 907.463.5891
E: ejorgensen@earthjustice.org

Nathaniel S.W. Lawrence (Wash. Bar No. 30847)
(*admitted pro hac vice*)
NATURAL RESOURCES DEFENSE COUNCIL
3723 Holiday Drive, SE
Olympia, WA 98501
T: 360.534.9900
E: nlawrence@nrdc.org

JOINT SCHEDULE PROPOSAL

League of Conservation Voters et al. v. Trump et al.,

No. 3:17-cv-00101-SLG

3

Case 3:17-cv-00101-SLG Document 47 Filed 04/02/18 Page 3 of 7

Nancy S. Marks (N.Y. Bar No. 2121820) (*admitted pro hac vice*)

NATURAL RESOURCES DEFENSE COUNCIL

40 West 20th Street

11th Floor

New York, NY 10011

T: 212.727.2700 / F: 415.795.4799

E: nmarks@nrdc.org

*Attorneys for Plaintiffs League of Conservation Voters;
Natural Resources Defense Council; Sierra Club;
Alaska Wilderness League; Defenders of Wildlife;
Northern Alaska Environmental Center; Resisting
Environmental Destruction on Indigenous Lands;
Center for Biological Diversity; Greenpeace, Inc.; and
The Wilderness Society*

JEFFREY H. WOOD

Acting Assistant Attorney General

Environment & Natural Resources Division

s/ Sarah D. Himmelhoch (consent)

SARAH D. HIMMELHOCH

MD Bar. No. 199212160064

Senior Litigation Counsel for E-Discovery

U.S. Department of Justice

Environment & Natural Resources Division

601 D Street NW

Washington, DC 20004

Telephone: (202) 514-0180

Facsimile: (202) 514-0057

sarah.himmelhoch@usdoj.gov

Attorneys for Federal Defendants

s/ Steven J. Rosenbaum (consent)

Steven J. Rosenbaum (*Pro hac vice*)

Bradley K. Ervin (*Pro hac vice*)

COVINGTON & BURLING LLP

One CityCenter

850 Tenth St. N.W.

Washington, D.C. 20001

Tel: (202) 662-5568

Fax: (202) 778-5568

rosenbaum@cov.com

bervin@cov.com

James D. Linxwiler (Alaska Bar No. 7705185)

Christina A. Rankin (Alaska Bar No. 0306034)

Guess & Rudd P.C.

1029 W. 3rd Ave. #400

Anchorage, AK 99501

Tel: (907) 793-2200

Fax: (907) 793-2299

jlinxwiler@guessrudd.com

crankin@guessrudd.com

*Attorneys for Intervenor-Defendant American
Petroleum Institute*

JAHNA LINDEMUTH
ATTORNEY GENERAL

s/ Jennifer E. Douglas (consent)

Bradley E. Meyen
AK Bar No. 8506067
Senior Assistant Attorney General
Department of Law
1031 West Fourth Avenue, Suite 200
Anchorage, AK 99501
Phone: (907) 269-5232
Facsimile: (907) 276-3697
Email: brad.meyen@alaska.gov

Jennifer E. Douglas
AK Bar No. 1605029
Assistant Attorney General
Department of Law
1031 West Fourth Avenue, Suite 200
Anchorage, AK 99501
Phone: (907) 269-5232
Facsimile: (907) 276-3697
Email: jennifer.douglas@alaska.gov

Attorneys for State of Alaska

CERTIFICATE OF SERVICE

I hereby certify that on April 2nd, 2018, a copy of foregoing Joint Proposed Summary Judgment Briefing Schedule was served electronically on all counsel of record using the CM/ECF system.

s/ Erik Grafe

Erik Grafe

EARTHJUSTICE